

**From:** [Gray, David](#)  
**To:** [Bowman, Liz](#)  
**Cc:** [Graham, Amy](#); [Grantham, Nancy](#)  
**Subject:** RE: questions regarding Magellan spills.  
**Date:** Tuesday, September 12, 2017 7:21:00 PM

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Liz, I am very willing to own this issue and express it as a mistake on my part. I should have never attempted to share information with AP regarding a spill where EPA is not the lead. I should have directed them to USCG. As I mentioned this spill occurred before Unified Command (EPA, USCG, TxGLO, TCEQ) was fully established in the area and this spill was being handled by the USCG under their normal jurisdiction per long-standing agreements. The confusion came about with the media request to me coming after Unified Command was established and my attempt to coordinate a response to AP for actions that really occurred beforehand. I actually paused and thought about it - but was trying to be helpful in getting the reporters some answers.

David

My answers are below:

Ms. Bowman,

I appreciate this rundown, but I am still confused on a few points. I would also like some of this information on the record. If the best way to do that is to talk to the command staff who were in Houston, that's fine. If there is documentation that is available, I would prefer that to be included in that discussion so I can see the details as they were reported from that command.

1. Although not explicitly stated below, are you confirming that the two different incidents—the almost 500,000-gallon spill and the 2,500-gallon spill—are the same incident? It appears you are saying the 2,500 is in reference to the material that escaped containment. No, there is one incident. You are getting two perspectives of the same spill. Also, you should be aware that the company updated its spill reports to the NRC. It is not The first NRC report

was at 00:38 on Sept 1 and the second was at 14:59 on Sept 5. One is the large spill of 11,000 bbls that was contained on-site within the secondary containment system and reported as recovered. The other is the smaller amount of material (3,000 bbls) was not recovered and could have either evaporated from the secondary containment area or been released offsite.

2. Are you saying that the EPA last Wednesday was only referring to the amount of material that had escaped into the channel or outside of Magellan's physical plant boundaries? The email sent from us on that Wednesday asks whether we are discussing the same spill and notes that the Coast Guard had said that about 2,500 gallons had been cleaned up. Your response was, "This is the same one. EPA is coordinating with US Coast Guard (USCG) on a 2500-gallon fuel oil spill at the Houston Magellan facility." Yes. We understood from the USCG that the amount that escaped outside the plant boundaries was smaller and unrecoverable. From my reading of the emails, neither AP nor the EPA mentioned that the 2,500 gallons was just the portion that had been captured outside the facility. Agreed. These estimates came later as the company recovered the spilled material onsite (11,000 bbls) and accounted for the difference (3,000 bbls).

3. Was the EPA aware last Wednesday that the total amount spilled at the facility was more than 460,000 gallons? Was the cleanup referred to at that point only referencing the material that had made it off-site, and if so, does that mean further clean-up is needed? We were not aware of the exact amount at that time, we provided the information we had at the time, and it was updated once we had further clarification. The response is managed by the USCG, not EPA. EPA provided the best information it had at the time.

4. In your response to questions from Matt last night, you said that none of the spill entered the waterway. Please clarify how that reconciles with the 2,500 gallons that apparently traveled offsite. Did 2,500 gallons escape the secondary containment. Again USCG managed this response, not EPA. We understand that the company has not recovered all of the material known to be stored at the facility. This delta of unaccounted material could have evaporated or been lost offsite. The company reported an offsite sheen however none of the material was reported by USCG as recoverable.

Please explain what the primary and secondary containments consist of. Is the secondary containment the ditch/waterway that was referenced by the company in its report to the NRC? The USCG managed this response, not EPA. The USCG will need to respond to specific regarding site conditions.

I have reached out to the Coast Guard, but it appears the incident command PIO is an EPA employee? Austin Vela is the contact I was given. Does that person have permission to speak on the record? No, This NRC reported incident was responded to by the USCG prior to Unified Command being established. Question should be directed to the USCG PIO Mackenzie at [USCGPIAT@gmail.com](mailto:USCGPIAT@gmail.com) 202.716.9181 for responses from the USCG.

Again, thank you for your patience and the help in clarifying.

Best,

Claudia

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**From:** Bowman, Liz [<mailto:Bowman.Liz@epa.gov>]  
**Sent:** Tuesday, September 12, 2017 2:01 PM  
**To:** Lauer, Claudia; Causey, Adam; Brown, Matthew  
**Cc:** Graham, Amy; Gray, David  
**Subject:** RE: questions regarding Magellan spills.

Hi Claudia, Matt and Adam –

**On background:** We apologize for the confusion. EPA was never at the facility, that was Coast Guard jurisdiction. If you want to get on the phone with one of our on-site coordinators who was in Houston (but not at the facility itself), he can talk on background if you need further clarification... It is our understanding that the distinction is that we were asked about off-site consequences; therefore, the spill was not large offsite, it was contained within the facility. When we talk about impacts on the environment, we are referring to the amount that was offsite. The Coast Guard was probably referring to a large quantity of material that was contained on site, verse our reporting of the small amount that was offsite. Our regulatory authority is when it gets into a Water of the U.S., the Coast Guard is focused on on-site potential consequences. So, this is the same spill; however, the Coast Guard was talking about a spill into secondary containment boundaries within the plant (the tanks spilled into the plant's internal, secondary containment around it to help control spills), and we were talking about the waterway. We want to also explain that the Unified Command (EPA, State of Texas, General Land Office and USCG) came together to coordinate activities associated with hurricane Harvey after his spill. This spill had occurred and been responded to by the USCG prior to the Unified Command being established.

The following information provides a more detailed summary of our understanding of this situation; but we urge you to confirm details/specifics with the Coast Guard, as they are the primary lead on the spill and were on scene: On September 1, 2017, the USCG responded to the facilities report of a discharge. A small amount of the gas blend had been reported as getting out of containment. However, the quantity of that gas blend outside containment is unknown and was unrecoverable. The USCG reported that there was no sheen or discharge outside of containment during their assessment.

Approximately 11,000 bbls of gas stock blend had discharged into containment within the facility. A transfer operation to move the gas blend from the secondary containment to safe storage took place over a few days. Approximately 8,000 bbls of the material has been recovered. A significant amount of the difference of what was discharged and what was recovered is due to evaporation. The responsible party is calculating and assuring accuracy to determine with certainty the volume of material discharged. While conducting recovery, Magellan applied a foam blanket over the material to reduce the volatile emissions from the gasoline.

As of today, we understand that the Unified Command has not received reports of either environmental or health effects related to the discharge at this time.

I hope this explains and we apologize for the confusion. Thank you – Liz

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**From:** Lauer, Claudia [<mailto:CLauer@ap.org>]

**Sent:** Tuesday, September 12, 2017 1:23 PM

**To:** Gray, David <[gray.david@epa.gov](mailto:gray.david@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>

**Cc:** Causey, Adam <[ACausey@ap.org](mailto:ACausey@ap.org)>; Brown, Matthew <[MBrown@ap.org](mailto:MBrown@ap.org)>

**Subject:** questions regarding Magellan spills.

Hey Mr. Gray, Ms. Bowman,

I wanted to check back in about the Magellan spills that happened during Hurricane Harvey.

My colleague Matt Brown wrote a story last night that described a large spill of almost a half-million gallons from Magellan's Galena Park facility. Reviewing the records of spills available, it appears there was not a second spill at that facility during the timeframe of Harvey.

When my colleague Adam and I approached you late last Wednesday to ask about the possible spill, in the email exchange we had noted the Coast Guard had said the only spill they were aware of was a smaller spill at the Magellan facility and that the clean-up had been completed on Sept. 5.

I would really appreciate some clarification if you have a moment.

Are the two spills the same? Was the EPA already on site at Magellan at that point to help with the larger spill, which appeared to have happened around Aug. 31? If they are the same spill, did you know last Wednesday after the clean-up had been completed that the size of the spill was much larger? My understanding from the Coast Guard is that they had gotten their information that night from the EPA. I am also checking on that at this point.

If EPA officials were at the Magellan facility days after the larger spill had happened and a response had been ongoing, I'm trying to understand why the EPA would confirm the details of a much smaller spill at the same facility? I'm trying to understand how all of this unfolded.

I've cc'ed Matt and Adam on this email and would be happy, if you don't have the previous correspondence, to forward it to you.

I appreciate your time and I look forward to your response.

Best,

Claudia Lauer

Dallas Bureau

The Associated Press

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